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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/743,577

12/22/2003

Matt Sveum

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HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606

EXAMINER

LUPINO, GINA M

ART UNIT

PAPER NUMBER

3652

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/20/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/743,577	Applicant(s) SVEUM ET AL.	
	Examiner Gina M. Lupino	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

I. Election of Species

1. Claims 1-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected vehicle brace for a vehicle, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 1, 2006.
2. Claim 26 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected loading dock, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 1, 2006.
3. Applicant's election with traverse of a method of operating a vehicle brace in the reply filed on September 1, 2006 is acknowledged. The traversal is on the ground(s) that the restriction requirement between Inventions I and II was improper.
4. This is not found persuasive because Invention I is drawn to a vehicle brace for a vehicle, classified in class 414 subclass 401, whereas Invention II is drawn to a method of operating a vehicle brace, classified in class 414, subclass 809.
5. The requirement is still deemed proper and is therefore made FINAL.
6. Applicant's election of claims 18-25 in the reply filed on September 1, 2006 is acknowledged.

II. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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1. Claims 18-23, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by HAGEMAN (U.S. Patent No. 4,784,567).

1.1. With respect to claim 18, HAGEMAN discloses a method of operating a vehicle brace in response to downward movement of a vehicle's rear edge, where the vehicle brace is attached to a loading dock, the method comprising appreciably slowing the descent of the vehicle's rear edge by having the vehicle brace exert a reactive force upward against the vehicle's rear edge.

1.2. With respect to claims 19-25, HAGEMAN discloses the method discussed above, and

1.2(a) With respect to claim 19, further comprising increasing the reactive force in response to increasing the descent of the vehicle's rear edge.

1.2(b) With respect to claim 20, further comprising moving a portion of the vehicle brace horizontally to accommodate horizontal movement of the vehicle's rear edge.

1.2(c) With respect to claim 21, where the step of appreciably slowing the descent of the vehicle's rear edge is carried out by forcing a fluid through a flow restriction.

1.2(d) With respect to claim 22, further comprising sensing when the vehicle is about to be loaded or unloaded.

1.2(e) With respect to claim 23, where the step of appreciably slowing the descent of the vehicle's rear edge is carried out by applying frictional drag.

1.2(f) With respect to claim 25, further comprising raising a vehicle-restraining member 38 to limit horizontal movement of the vehicle.

2. Claims 18, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over HAHN (U.S. Patent No. 6,106,212).

2.1. With respect to claim 18, HAHN discloses a method of operating a vehicle brace in response to downward movement of a vehicle's rear edge, where the vehicle brace is attached to a loading dock, the method comprising appreciably slowing the descent of the

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vehicle's rear edge by having the vehicle brace exert a reactive force upward against the vehicle's rear edge.

2.2. With respect to claim 24, HAHN teaches a method of operating a vehicle restraint, as discussed above, where the step of appreciably slowing the descent of the vehicle's rear edge is accomplished by storing energy in a spring.

III. Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gina M. Lupino whose telephone number is (571) 272-6557. The examiner can normally be reached on 8:30am - 5:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
5. GML



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600